



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 19 2014

CERTIFIED MAIL 7012 1010 0001 8097 0405
RETURN RECEIPT REQUESTED

Port Manatee Scrap Metal, Inc.
13838 Harlee Road
Palmetto, Florida 34221

Re: Information Request – Section 308 of the Clean Water Act
Port Manatee Scrap Metal, Inc.

Dear Sir:

Section 402 of the Clean Water Act (CWA) specifies that a National Pollutant Discharge Elimination System (NPDES) permit is required for any stormwater discharge associated with certain industrial activities. The U.S. Environmental Protection Agency's stormwater regulations, set forth at 40 Code of Federal Regulations (C.F.R.) § 122.26(b)(14)(vi), consider facilities involved in the recycling of materials, including metal scrapyards, battery reclaimers, salvage yards and automobile junkyards, including but limited to those classified as Standard Industrial Classification (SIC) 5015 and 5093. The State of Florida is authorized to issue NPDES permits and issued the Multi-Sector Generic Permit for Stormwater Discharges Associated with Industrial Activities. Your facility was provided an identification number FLR05H309.

It has come to our attention that the Port Manatee Scrap Metal, Inc. facility, located at 13838 Harlee Road, Palmetto, Florida is classified under SIC 5093, and may be subject to the CWA requirements. Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in Enclosure A within 15 days of your receipt of this letter. Answer each question as clearly and completely as possible. The response should be directed to:

Mr. Michael Horn, Environmental Engineer
U.S. Environmental Protection Agency Region 4
NPDES Permitting and Enforcement Branch
Water Protection Division
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

Responses to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible company official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

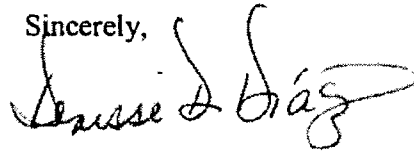
Preserve, until further notice, all records (either written or electronic) which existed at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses, and will not affect the EPA's decision to pursue enforcement action. In addition, the Securities and Exchange Commission requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

If you have questions regarding this notice and information request, please feel free to contact Mr. Horn at (404) 562-9748 or via email at horn.michael@epa.gov. Legal inquiries should be directed to Mr. Philip Mancusi-Ungaro, Attorney-Advisor, at (404) 562-9519.

Sincerely,



Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Enclosures

cc: Mr. Edward C. Smith
Florida Department of Environmental Protection

ENCLOSURE A
REQUEST FOR INFORMATION PURSUANT TO SECTION 308

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the question and subpart of the question to which they are responsive.
5. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
11. All documents provided in an electronic format should be compatible with .pdf.
12. All spreadsheet information should be in electronic format and compatible with MS Excel.
13. Information shall be provided for all companies, all subsidiaries, resources groups, or other corporate entities. Thus, the response to each question concerning the company's activities should reflect information regarding each and every entity.

Definitions

14. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
15. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
16. The terms "And" and "Or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
17. The term "Identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
18. The term "Identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
19. The term "Identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
20. The term "Facility" means any company, entity, or corporation with an NPDES point source (including land or appurtenance thereto) that is subject to regulation under the NPDES program.
21. The term "You" and "Your" shall mean Port Manatee Scrap Metal, Inc., and/or any company, entity, or corporation that has directed work at the Site.
22. The term "NPDES" or "NPDES Permit" shall mean National Pollutant Discharge Elimination System permit or any state permit, issued pursuant to the Clean Water Act.
23. The term "Discharge" shall mean the addition of any pollutant to navigable waters; i.e., surface water sources ditches, or streams.
24. The term "Wetlands" shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
25. The term "Stormwater" means any runoff generated when precipitation from rain or snowmelt events flows over land or impervious surfaces and does not percolate into the ground.

Questions

1. Identify the names and addresses of all current owner(s) of the business located at 13838 Harlee Road, Palmetto, Florida (Site). Specify the legal name with the exact spelling of each owner. Provide the mailing address and phone number for each owner. Specify the state of incorporation and principal place of business for each corporate owner. If incorporated, provide the name and mailing address of the registered agent for each state in which business is conducted.
2. For each entity and/or individual that has a current ownership interest in the business, provide the names and addresses of each officer, director, or shareholder, including both majority and minority shareholders, of the company, and describe any ownership interest, including percentage of ownership each individual officer, director, or shareholder, including both majority and minority shareholders, has in the company.
3. Describe your affiliation with Grimmel Industries, Inc. or Grimmel Industries, LLC (Grimmel Industries).
4. Identify the business Standard Industrial Code, the Sector, and the category listed below:
 - a. *Scrap and waste recycling facilities* (non-source separated, non-liquid recyclable materials) engaged in processing, reclaiming, and wholesale distribution of scrap and waste materials such as ferrous and nonferrous metals, paper, plastic, cardboard, glass, and animal hides.
 - b. *Waste recycling facilities* (liquid recyclable materials) engaged in reclaiming and recycling liquid wastes such as used oil, antifreeze, mineral spirits, and industrial solvents.
 - c. *Recycling facilities* that only receive source-separated recyclable materials primarily from non-industrial and residential sources (i.e., common consumer products including paper, newspaper, glass, cardboard, plastic containers, aluminum and tin cans); including recycling facilities commonly referred to as material recovery facilities.
5. Describe the Site's nature of your business and detail the process in which recycled and non-recycled materials are handled, from when the materials are received to when they leave the facility, including but not limited to, scrap waste material stockpiling, material processing, segregating process materials into uniform grades, and collecting non-recyclable materials for disposal; indicate any vehicle and equipment fueling and maintenance operations.
6. Provide a copy the following documents as referenced by the Florida Multi-Sector Generic Permit for Stormwater Discharges Associated with Industrial Activities, FLR05H309:
 - a. The previous and current Stormwater Pollution Prevention Plan (SWPPP)
 - b. Routine Facility Inspections since January 2010.
 - c. Quarterly Visual Assessments since January 2010.
 - d. Annual Comprehensive Site Inspections since January 2010.
 - e. Benchmark monitoring results since January 2010, if applicable.
 - f. Employee training program and employee roster and certificates of completion since January 2010.
 - g. Non-stormwater certification since January 2010.
7. Identify the person, title, company affiliation of your "qualified personnel", as defined by the Florida

Multi-Sector Generic Permit for Stormwater Discharges Associated with Industrial Activities.

8. Provide a site map of your property that depicts buildings, process areas, storage areas, impervious surfaces, stormwater detention or retention ponds, the direction of stormwater runoff, and stormwater runoff and/or ponds that discharges into surface waters, such as creeks and streams or into a storm sewer system.
9. Provide copies of correspondence between you and with the Florida Department of Environmental Protection with regards to the Florida Multi-Sector Generic Permit for Stormwater Discharges Associated with Industrial Activities since January 2010.
10. Provide copies of correspondence between you and with the Municipal Separate Storm Sewer System authority with regards to the Florida Multi-Sector Generic Permit for Stormwater Discharges Associated with Industrial Activities since January 2010.
11. Provide a list of all other facilities that your officers own or operated in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee (Region 4). In addition, please provide a list of all facilities in Region 4 that are owned and/or operated that are affiliated with Grimmel Industries.
12. Describe any process wastewaters generated at the Site. Process wastewaters are not stormwater. Process wastewaters may include, but are not limited to, waters used for dust suppression and truck rinse down.
 - a. Specify the source(s) of process wastewater and the operational activity where the process wastewater is used. Specify any sources of contamination to the process wastewater, such as uncovered scrap, contaminants in the scrap or additives that are used in each process.
 - b. Describe in detail the transport, treatment, storage, and discharge of process wastewater. Provide a site diagram, flow schematic, and/or waste stream diagram to illustrate how process wastewater is managed.
 - c. Provide, in gallons per day, estimated or actual daily maximum and monthly average volumetric flow rates discharged from each waste stream, and the total discharge for the year. If the flow rate is estimated, please indicate how the flows were estimated.
 - d. Describe in detail the means by which each process wastewater discharge is transported (i.e. pipe, ditch, swale, overflow, catch basin, etc.) from the facility to surface water.
 - e. For each discharge from any operation or activity to surface water, state the name and location of the surface water.
 - f. For each discharge from an operation or activity to surface water, provide the date(s) discharges commenced and the date(s) the discharges ceased if they have been terminated.
 - g. Provide the frequency of each type of process wastewater discharge (per week).

- h. Provide a copy of all discharge permits in effect and the permit number and date of coverage. If a permit was not obtained for any process water discharges, provide a detailed explanation as to why a permit was not obtained.
- i. Provide copies of all analytical sample data of process wastewater since January 2010.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.



United States
Environmental Protection
Agency

Office of Enforcement and Compliance Assurance (2201A)
EPA 300-F-07-003 October 2007

Office of Enforcement and Compliance Assurance INFORMATION SHEET

U. S. EPA Small Business Resources

If you own a small business, the United States Environmental Protection Agency (EPA) offers a variety of compliance assistance resources such as workshops, training sessions, hotlines, websites, and guides to assist you in complying with federal and state environmental laws. These resources can help you understand your environmental obligations, improve compliance, and find cost-effective ways to comply through the use of pollution prevention and other innovative technologies.

Compliance Assistance Centers

(www.assistancecenters.net)

In partnership with industry, universities, and other federal and state agencies, EPA has established Compliance Assistance Centers that provide information targeted to industries with many small businesses.

Agriculture

(www.epa.gov/agriculture or 1-888-663-2155)

Automotive Recycling Industry

(www.ecarcenter.org)

Automotive Service and Repair

(www.ccar-greenlink.org or 1-888-GRN-LINK)

Chemical Industry

(www.chemalliance.org)

Construction Industry

(www.cicacenter.org or 1-734-995-4911)

Education

(www.campuserc.org)

Healthcare Industry

(www.hercenter.org or 1-734-995-4911)

Metal Finishing

(www.nmfrc.org or 1-734-995-4911)

Paints and Coatings

(www.paintcenter.org or 1-734-995-4911)

Printed Wiring Board Manufacturing

(www.pwbrc.org or 1-734-995-4911)

Printing

(www.pneac.org or 1-888-USPNEAC)

Transportation Industry

(www.transource.org)

Tribal Governments and Indian Country

(www.epa.gov/tribal/compliance or 202-564-2516)

US Border Environmental Issues

(www.bordercenter.org or 1-734-995-4911)

The Centers also provide State Resource Locators (www.envcap.org/statetools/index.cfm) for a wide range of topics to help you find important environmental compliance information specific to your state.

EPA Websites

EPA has several Internet sites that provide useful compliance assistance information and materials for small businesses. If you don't have access to the Internet at your business, many public libraries provide access to the Internet at minimal or no cost.

EPA's Home Page

www.epa.gov

Small Business Gateway

www.epa.gov/smallbusiness

Compliance Assistance Home Page

www.epa.gov/compliance/assistance

Office of Enforcement and Compliance Assurance

www.epa.gov/compliance

Voluntary Partnership Programs

www.epa.gov/partners

Office of Enforcement and Compliance Assurance: <http://www.epa.gov/compliance>



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Hotlines, Helplines & Clearinghouses

(www.epa.gov/epahome/hotline.htm)

EPA sponsors many free hotlines and clearinghouses that provide convenient assistance regarding environmental requirements. A few examples are listed below:

Clean Air Technology Center

(www.epa.gov/ttn/catc or 1-919-541-0800)

Emergency Planning and Community Right-To-Know Act

(www.epa.gov/superfund/resources/infocenter/epcra.htm or 1-800-424-9346)

EPA's Small Business Ombudsman Hotline provides regulatory and technical assistance information.

(www.epa.gov/sbo or 1-800-368-5888)

The National Environmental Compliance Assistance Clearinghouse provides quick access to compliance assistance tools, contacts, and planned activities from the U.S. EPA, states, and other compliance assistance providers

(www.epa.gov/cleannghouse)

National Response Center to report oil and hazardous substance spills.

(www.nrc.uscg.mil or 1-800-424-8802)

Pollution Prevention Information Clearinghouse

(www.epa.gov/opptintr/ppic or 1-202-566-0799)

Safe Drinking Water Hotline

(www.epa.gov/safewater/hotline/index.html or 1-800-426-4791)

Stratospheric Ozone Refrigerants Information

(www.epa.gov/ozone or 1-800-296-1996)

Toxics Assistance Information Service also includes asbestos inquiries.

(1-202-554-1404)

Wetlands Helpline

(www.epa.gov/owow/wetlands/wetline.html or 1-800-832-7828)

State Agencies

Many state agencies have established compliance assistance programs that provide on-site and other types of assistance. Contact your local state environmental agency for more information or the following two resources:

EPA's Small Business Ombudsman

(www.epa.gov/sbo or 1-800-368-5888)

Small Business Environmental Homepage

(www.smallbiz-enviroweb.org or 1-724-452-4722)

Compliance Incentives

EPA provides incentives for environmental compliance. By participating in compliance assistance programs or voluntarily disclosing and promptly correcting violations before an enforcement action has been initiated,

businesses may be eligible for penalty waivers or reductions. EPA has two policies that potentially apply to small businesses:

The Small Business Compliance Policy

(www.epa.gov/compliance/incentives/smallbusiness)

Audit Policy

(www.epa.gov/compliance/incentives/auditing)

Commenting on Federal Enforcement Actions and Compliance Activities

The Small Business Regulatory Enforcement Fairness Act (SBREFA) established an SBA Ombudsman and 10 Regional Fairness Boards to receive comments from small businesses about federal agency enforcement actions. If you believe that you fall within the Small Business Administration's definition of a small business (based on your North American Industry Classification System (NAICS) designation, number of employees, or annual receipts, defined at 13 C.F.R. 121.201; in most cases, this means a business with 500 or fewer employees), and wish to comment on federal enforcement and compliance activities, call the SBREFA Ombudsman's toll-free number at 1-888-REG-FAIR (1-888-734-3247).

Every small business that is the subject of an enforcement or compliance action is entitled to comment on the Agency's actions without fear of retaliation. EPA employees are prohibited from using enforcement or any other means of retaliation against any member of the regulated community in response to comments made under SBREFA.

Your Duty to Comply

If you receive compliance assistance or submit comments to the SBREFA Ombudsman or Regional Fairness Boards, you still have the duty to comply with the law, including providing timely responses to EPA information requests, administrative or civil complaints, other enforcement actions or communications. The assistance information and comment processes do not give you any new rights or defenses in any enforcement action. These processes also do not affect EPA's obligation to protect public health or the environment under any of the environmental statutes it enforces, including the right to take emergency remedial or emergency response actions when appropriate. Those decisions will be based on the facts in each situation. The SBREFA Ombudsman and Fairness Boards do not participate in resolving EPA's enforcement actions. Also, remember that to preserve your rights, you need to comply with all rules governing the enforcement process.

EPA is disseminating this information to you without making a determination that your business or organization is a small business as defined by Section 222 of the Small Business Regulatory Enforcement Fairness Act or related provisions.

**NOTICE OF SECURITIES AND EXCHANGE COMMISSION REGISTRANTS' DUTY TO DISCLOSE
ENVIRONMENTAL LEGAL PROCEEDINGS**

Securities and Exchange Commission regulations require companies registered with the SEC (e.g., publicly traded companies) to disclose, on at least a quarterly basis, the existence of certain administrative or judicial proceedings taken against them arising under Federal, State or local provisions that have the primary purpose of protecting the environment. Instruction 5 to Item 103 of the SEC's Regulation S-K (17 CFR 229.103) requires disclosure of these environmental legal proceedings. For those SEC registrants that use the SEC's "small business issuer" reporting system, Instructions 1-4 to Item 103 of the SEC's Regulation S-B (17 CFR 228.103) requires disclosure of these environmental legal proceedings.

If you are an SEC registrant, you have a duty to disclose the existence of pending or known to be contemplated environmental legal proceedings that meet any of the following criteria (17 CFR 229.103(5)(A)-(C)):

- A. Such proceeding is material to the business or financial condition of the registrant;
- B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
- C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.

Specific information regarding the environmental legal proceedings that must be disclosed is set forth in Item 103 of Regulation S-K or, for registrants using the "small business issuer" reporting system, Item 103(a)-(b) of Regulation S-B. If disclosure is required, it must briefly describe the proceeding, "including the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceedings and the relief sought."

You have been identified as a party to an environmental legal proceeding to which the United States government is, or was, a party. If you are an SEC registrant, this environmental legal proceeding may trigger, or may already have triggered, the disclosure obligation under the SEC regulations described above.

This notice is being provided to inform you of SEC registrants' duty to disclose any relevant environmental legal proceedings to the SEC. This notice does not create, modify or interpret any existing legal obligations, it is not intended to be an exhaustive description of the legally applicable requirements and it is not a substitute for regulations published in the Code of Federal Regulations. This notice has been issued to you for information purposes only. No determination of the applicability of this reporting requirement to your company has been made by any governmental entity. You should seek competent counsel in determining the applicability of these and other SEC requirements to the environmental legal proceeding at issue, as well as any other proceedings known to be contemplated by governmental authorities.

If you have any questions about the SEC's environmental disclosure requirements, please contact the SEC Office of the Special Senior Counsel for Disclosure Operations at (202) 942-1888.

{Code of Federal Regulations}
{ Title 17, Volume 2, Parts 200 to 239}
{Revised as of April 1, 1999}
From the U.S. Government Printing Office via GPO Access
{CITE: 17CFR229.103}

{Page 349}

TITLE 17--COMMODITY AND SECURITIES EXCHANGES

CHAPTER II--SECURITIES AND EXCHANGE COMMISSION

PART 229--STANDARD INSTRUCTIONS FOR FILING FORMS UNDER SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND ENERGY POLICY AND CONSERVATION ACT OF 1975-- REGULATION S-K--Table of Contents

Subpart 229.100--Business

Sec. 229.103 (Item 103) Legal proceedings.

Describe briefly any material pending legal proceedings, other than ordinary routine litigation incidental to the business, to which the registrant or any of its subsidiaries is a party or of which any of their property is the subject. Include the name of the court or agency in which the proceedings are pending, the date instituted, the principal parties thereto, a description of the factual basis alleged to underlie the proceeding and the relief sought. Include similar information as to any such proceedings known to be contemplated by governmental authorities.

Instructions to Item 103:

1. If the business ordinarily results in actions for negligence or other claims, no such action or claim need be described unless it departs from the normal kind of such actions.
2. No information need be given with respect to any proceeding that involves primarily a claim for damages if the amount involved, exclusive of interest and costs, does not exceed 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis. However, if any proceeding presents in large degree the same legal and factual issues as other proceedings pending or known to be contemplated, the amount involved in such other proceedings shall be included in computing such percentage.
3. Notwithstanding Instructions 1 and 2, any material bankruptcy, receivership, or similar proceeding with respect to the registrant or any of its significant subsidiaries shall be described.
4. Any material proceedings to which any director, officer or affiliate of the registrant, any owner of record or beneficially of more than five percent of any class of voting securities of the registrant, or any associate of any such director, officer, affiliate of the registrant, or security holder is a party adverse to the registrant or any of its subsidiaries or has a material interest adverse to the registrant or any of its subsidiaries also shall be described.
5. Notwithstanding the foregoing, an administrative or judicial proceeding (including, for purposes of A and B of this Instruction, proceedings which present in large degree the same issues) arising under any Federal, State or local provisions that have been enacted or adopted regulating the discharge of materials into the environment or primary for the purpose of protecting the environment shall not be deemed "ordinary routine litigation incidental to the business" and shall be described if:
 - A. Such proceeding is material to the business or financial condition of the registrant;
 - B. Such proceeding involves primarily a claim for damages, or involves potential monetary sanctions, capital expenditures, deferred charges or charges to income and the amount involved, exclusive of interest and costs, exceeds 10 percent of the current assets of the registrant and its subsidiaries on a consolidated basis; or
 - C. A governmental authority is a party to such proceeding and such proceeding involves potential monetary sanctions, unless the registrant reasonably believes that such proceeding will result in no monetary sanctions, or in monetary sanctions, exclusive of interest and costs, of less than \$100,000; provided, however, that such proceedings which are similar in nature may be grouped and described generically.



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355 North Lathrop Avenue
Savannah, Georgia 31415

Re: Information Request – Section 308 of the Clean Water Act
Savannah Steel Terminal, LLC

Dear Sir:

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It has come to our attention that the Savannah Steel Terminal, LLC facility, located at 355 North Lathrop Avenue, Savannah, Georgia is classified under SIC 5093, and may be subject to the CWA requirements. Pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that you provide the information set forth in Enclosure A within 15 days of your receipt of this letter. Answer each question as clearly and completely as possible. The response should be directed to:

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U.S. Environmental Protection Agency Region 4
NPDES Permitting and Enforcement Branch
Water Protection Division
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Responses to this information request should specifically reference the particular section and number of the request and should be organized for the purpose of clarity. In addition, all information submitted must be accompanied by the following certification signed by a responsible company official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to comply with this information request may result in enforcement proceedings under Section 309 of the CWA, 33 U.S.C. § 1319, which could result in the judicial imposition of civil or criminal penalties or the administrative imposition of civil penalties. In addition, there is potential criminal liability for the falsification of any response to the requested information.

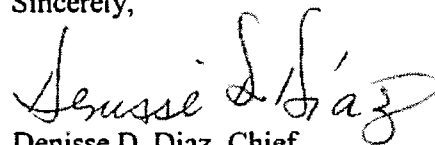
Preserve, until further notice, all records (either written or electronic) which existed at the time of receipt of this letter that relate to any of the matters set forth in this letter. The term "records" shall be interpreted in the broadest sense to include information of every sort. The response to this information request shall include assurance that these record protection provisions were put in place, as required. No such records shall be disposed of until written authorization is received from the Chief of the NPDES Permitting and Enforcement Branch at the U.S. EPA, Region 4.

If you believe that any of the requested information constitutes confidential business information, you may assert a confidentiality claim with respect to such information except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time, however, does not relieve you of your obligation to the EPA nor does it create any new rights or defenses, and will not affect the EPA's decision to pursue enforcement action. In addition, the Securities and Exchange Commission requires its registrants to periodically disclose environmental legal proceedings in statements filed with the Commission. To assist you, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

If you have questions regarding this notice and information request, please feel free to contact Mr. Hom at (404) 562-9748 or via email at hom.michael@epa.gov. Legal inquiries should be directed to Mr. Philip Mancusi-Ungaro, Associate Regional Counsel, at (404) 562-9519.

Sincerely,



Denisse D. Diaz, Chief
NPDES Permitting and Enforcement Branch
Water Protection Division

Enclosures

cc: Ms. Frances Carpenter
Georgia Environmental Protection Division

ENCLOSURE A
REQUEST FOR INFORMATION PURSUANT TO SECTION 308

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the question and subpart of the question to which they are responsive.
5. In answering each Information Request, identify all documents and persons consulted, examined, or referred to in the preparation of each response and provide true and accurate copies of all such documents.
6. If information not known or not available to you as of the date of submission of a response to this Information Request should later become known or available to you, you must supplement your response to EPA. Moreover, should you find at any time after the submission of its response that any portion of the submitted information is false or misrepresents the truth, you must notify EPA thereof as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Request to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Request, you must respond to the Request with a written response.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Information Request or who may be able to provide additional responsive documents, identify such persons and the additional information or documents that they may have.
11. All documents provided in an electronic format should be compatible with .pdf.
12. All spreadsheet information should be in electronic format and compatible with MS Excel.
13. Information shall be provided for all companies, all subsidiaries, resources groups, or other corporate entities. Thus, the response to each question concerning the company's activities should reflect information regarding each and every entity.

Definitions

14. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definitions shall control.
15. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
16. The terms "And" and "Or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
17. The term "Identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
18. The term "Identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
19. The term "Identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
20. The term "Facility" means any company, entity, or corporation with an NPDES point source (including land or appurtenance thereto) that is subject to regulation under the NPDES program.
21. The term "You" and "Your" shall mean Savannah Steel Terminal, LLC, and/or any company, entity, or corporation that has directed work at the Site.
22. The term "NPDES" or "NPDES Permit" shall mean National Pollutant Discharge Elimination System permit or any state permit, issued pursuant to the Clean Water Act.
23. The term "Discharge" shall mean the addition of any pollutant to navigable waters; i.e., surface water sources ditches, or streams.
24. The term "Wetlands" shall mean those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.
25. The term "Stormwater" means any runoff generated when precipitation from rain or snowmelt events flows over land or impervious surfaces and does not percolate into the ground.

Questions

1. Identify the names and addresses of all current owner(s) of the business located at 355 North Lathrop Avenue, Savannah, Georgia (Site). Specify the legal name with the exact spelling of each owner. Provide the mailing address and phone number for each owner. Specify the state of incorporation and principal place of business for each corporate owner. If incorporated, provide the name and mailing address of the registered agent for each state in which business is conducted.
2. For each entity and/or individual that has a current ownership interest in the business, provide the names and addresses of each officer, director, or shareholder, including both majority and minority shareholders, of the company, and describe any ownership interest, including percentage of ownership each individual officer, director, or shareholder, including both majority and minority shareholders, has in the company.
3. Describe your affiliation with Grimmel Industries, Inc. or Grimmel Industries, LLC (Grimmel Industries).
4. Identify the business Standard Industrial Code, the Sector, and subsector as referenced by the Georgia General Permit No. GAR050000.
5. Describe the Site's nature of your business and detail the process in which recycled and non-recycled materials are handled, including but not limited to, scrap waste material stockpiling, material processing, segregating process materials into uniform grades, and collecting non-recyclable materials for disposal; indicate any vehicle and equipment fueling and maintenance operations.
6. Provide a copy the following documents as referenced by the Georgia General Permit No. GAR050000:
 - a. The previous and current Stormwater Pollution Prevention Plan (SWPPP)
 - b. Routine Facility Inspections since January 2010.
 - c. Quarterly Visual Assessments since January 2010.
 - d. Annual Comprehensive Site Inspections since January 2010.
 - e. Benchmark monitoring results since January 2010, if applicable.
 - f. Employee training program and employee roster and certificates of completion since January 2010.
 - g. Annual non-stormwater certification since January 2010.
7. Identify the person, title, company affiliation of your "qualified personnel", as defined by the Georgia General Permit No. GAR050000.
8. Provide a site map of your property that depicts buildings, process areas, storage areas, impervious surfaces, stormwater detention or retention ponds, the direction of stormwater runoff, and stormwater runoff and/or ponds that discharges into surface waters, such as creeks and streams or into a storm sewer system.
9. Provide copies of correspondence between you and with the Georgia Environmental Protection Division with regards to the Georgia General Permit No. GAR000000 and GAR050000 since January 2010.

10. Provide copies of correspondence between you and with the Municipal Separate Storm Sewer System authority with regards to the Georgia General Permit No. GAR000000 and GAR050000 since January 2010.
11. Provide a list of all other facilities that your officers own or operated in Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, and Tennessee (Region 4). In addition, please provide a list of all facilities in Region 4 that are owned and/or operated that are affiliated with Grimmel Industries.
12. Describe any process wastewaters generated at the Site. Process wastewaters are not stormwater. Process wastewaters may include, but are not limited to, waters used for dust suppression and truck rinse down.
 - a. Specify the source(s) of process wastewater and the operational activity where the process wastewater is used. Specify any sources of contamination to the process wastewater, such as uncovered scrap, contaminants in the scrap or additives that are used in each process.
 - b. Describe in detail the transport, treatment, storage, and discharge of process wastewater. Provide a site diagram, flow schematic, and/or waste stream diagram to illustrate how process wastewater is managed.
 - c. Provide, in gallons per day, estimated or actual daily maximum and monthly average volumetric flow rates discharged from each waste stream, and the total discharge for the year. If the flow rate is estimated, please indicate how the flows were estimated.
 - d. Describe in detail the means by which each process wastewater discharge is transported (i.e. pipe, ditch, swale, overflow, catch basin, etc.) from the facility to surface water.
 - e. For each discharge from any operation or activity to surface water, state the name and location of the surface water.
 - f. For each discharge from an operation or activity to surface water, provide the date(s) discharges commenced and the date(s) the discharges ceased if they have been terminated.
 - g. Provide the frequency of each type of process wastewater discharge (per week).
 - h. Provide a copy of all discharge permits in effect and the permit number and date of coverage. If a permit was not obtained for any process water discharges, provide a detailed explanation as to why a permit was not obtained.
 - i. Provide copies of all analytical sample data of process wastewater since January 2010.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS (40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, EPA may make the information available to the public without any further notice to you.

40 C.F.R. §2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

OCT 06 2014

CERTIFIED MAIL 7007 2680 0000 3272 0118
RETURN RECEIPT REQUESTED

Mr. and Mrs. Dewayne (Eddie) Gass
457 N. Industrial Boulevard
Trenton, Georgia 30753

Re: Pretreatment Reconnaissance Inspection
Notice of Violation and Opportunity to Show Cause
D&B Custom Powder Coatings & Hydrographics, Inc., Trenton, Georgia

Dear Mr. & Mrs. Gass:

On June 24, 2014, the U.S. Environmental Protection Agency Region 4 performed a Pretreatment Reconnaissance Inspection of D&B Custom Powder Coatings & Hydrographics, Inc.'s facility (the Facility) located at 457 N. Industrial Boulevard in Trenton, Dade County, Georgia. The purpose of the inspection was to evaluate the Facility's compliance with the requirements of Sections 301 and 307(d) of the Clean Water Act (CWA), 33 U.S.C. §§ 1311 and 1317(d); the regulations promulgated thereunder at 40 C.F.R. Parts 403 and 433 and the State of Georgia's pretreatment regulations at Georgia Rule 391-3-6-.08.

The EPA's inspection, as described in the enclosed report and subsequent investigative efforts have revealed that the Facility failed to comply with the requirements of the pretreatment regulations at 40 C.F.R. Parts 403 and 433 and the State of Georgia pretreatment regulations. Specifically, the EPA has identified the following violations:

1. Significant industrial user discharge without a valid permit.

The Facility is a significant industrial user, as defined by 40 C.F.R. § 403.3(v). The Facility is therefore required by Georgia Rule 391-3-6-.08 to obtain a valid permit from the State of Georgia prior to discharging to a publicly owned treatment works (POTW). See also 40 C.F.R. § 403.8(f)(1)(iii). The Facility discharged to the Dade County Water and Sewer Authority without a valid permit for approximately 8 years, from August 1, 2006, to present.

2. New Source failure to install and operate pretreatment equipment prior to discharge.

Pursuant to 40 C.F.R. § 403.6(b), the Facility is subject to the federal categorical pretreatment standards in 40 C.F.R. Parts 403 and 433. The Facility is a new source, as defined in 40 C.F.R. § 403.3(m), because it originated after the EPA published proposed standards for Part 433 in 1983. D&B Custom Powder Coatings & Hydrographics, Inc.

was thus required to install and have in operating condition, all the pollution control equipment necessary to meet applicable Pretreatment Standards, including those in 40 C.F.R. Part 433, prior to beginning discharge to the POTW.

The Facility did not install such necessary pollution control equipment prior to beginning discharge to the POTW in 2006 and has not installed such equipment. The Facility thus has continued to discharge to the POTW without the necessary pollution control equipment, in continuing violation of 40 C.F.R. § 403.6(b).

3. Failure to report/record initial compliance with categorical standards.

Within 90 days after commencing a discharge to a POTW, a new source is required to report and maintain records of the self-monitoring information on its compliance with standards, per 40 C.F.R. §§ 403.12(d), 403.12(g), 403.12(l) and 403.12(o).

Ninety days after commencing discharge to the POTW in 2006 the Facility did not submit a report to the State of Georgia of its initial compliance with the pretreatment standards in 40 C.F.R. § 433.17. The Facility has also not maintained the required record demonstrating its initial compliance with these pretreatment standards.

4. Failure to submit periodic reports on continued compliance with categorical standards.

Pursuant to 40 C.F.R. §§ 403.12(e), 403.12(g), 403.12(l) and 403.12(o), any industrial user subject to categorical pretreatment standards must submit to the State of Georgia and maintain its own records of additional periodic compliance reports at least twice a year on its compliance with categorical standards and other information. From August 1, 2006, until the present, the Facility has not submitted to the State of Georgia, or maintained its own records of self-monitoring reports of compliance with 40 C.F.R. § 433.17.

Therefore, D&B Custom Powder Coatings & Hydrographics, Inc. is in violation of Sections 301 and 307(d) of the CWA, 33 U.S.C. §§ 1311 and 1317(d). The violations identified in this Notice of Violation and any other potential violations are subject to enforcement actions pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, including the issuance of compliance orders, the assessment of administrative penalties and/or the initiation of civil or criminal actions.

Enclosed is a document entitled *U.S. EPA Small Business Resources-Information Sheet* to assist you in understanding the compliance assistance resources and tools available to you. Any decision to seek compliance assistance at this time however, does not relieve D&B Custom Powder Coatings & Hydrographics, Inc. of its obligation to the EPA nor does it create any new rights or defenses and will not affect the EPA's decision to pursue enforcement action.

In addition, the Securities and Exchange Commission (SEC) requires its registrants to periodically disclose environmental legal proceedings in statements filed with the SEC. To assist you, the EPA has also enclosed a document entitled *Notice of Securities and Exchange Commission Registrants' Duty to Disclose Environmental Legal Proceedings*.

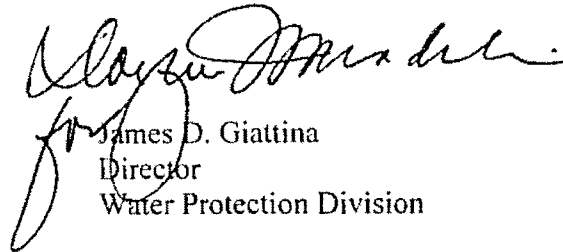
The EPA requests that representatives of D&B Custom Powder Coatings & Hydrographics, Inc. contact the EPA within **ten (10) calendar days** of receipt of this letter to arrange a meeting in this office to show cause why the EPA should not take formal enforcement action against D&B Custom Powder

Coatings & Hydrographics, Inc. for these violations and any other potential violations, including the assessment of appropriate civil penalties. In lieu of appearing in person, a telephone conference may be scheduled. D&B Custom Powder Coatings & Hydrographics, Inc. should be prepared to provide all relevant information with supporting documentation pertaining to the violations, including, but not limited to, any financial information that may reflect an inability to pay a penalty. D&B Custom Powder Coatings & Hydrographics, Inc. has the right to be represented by legal counsel.

Please be aware that the EPA may use information provided during the meeting or telephone conference in any enforcement proceeding related to this matter. Failure to schedule a show-cause meeting may result in a unilateral enforcement action against D&B Custom Powder Coatings & Hydrographics, Inc. Notwithstanding the scheduling of a show-cause meeting, the EPA retains the right to bring further enforcement action under Sections 309(d) or 309(g) of the CWA, 33 U.S.C. §§ 1319(d) or 1319(g), for the violations cited herein or for any other violation of the CWA.

Please contact Ms. Pamala Myers of my staff at (404) 562-9421 to arrange the show-cause meeting and address any immediate questions or concerns. Legal inquiries should be directed to Ms. Michele Wetherington, Associate Regional Counsel at (404) 562-9613.

Sincerely,



James D. Giattina
Director
Water Protection Division

Enclosures

cc: Ms. Jill Causse
Georgia Environmental Protection Division

Mr. Doug Anderton
Dade County Water and Sewer Authority

**U.S. Environmental Protection Agency Region 4
Industrial User Pretreatment Reconnaissance Inspection
Final Report
June 24, 2014**

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I. Introduction

On June 24, 2014, the U.S. Environmental Protection Agency, Region 4 conducted a Pretreatment Reconnaissance Inspection of D&B Custom Powder Coatings & Hydrographics, Inc. at 457 N. Industrial Boulevard, Trenton, Georgia 30753. The owners are Dewayne (Eddie) and Brenda Gass. Mrs. Gass was available for the entire inspection and Mr. Gass arrived after the tour of operations. Mrs. Gass confirmed the business has operated since opening, August 1, 2006.

D&B Custom Powder Coatings & Hydrographics, Inc. is an industrial facility which prepares metal objects for powder coating by either sand-blasting or liquid acid etching. Once the metal is prepared it is then sprayed with the coating product and then placed in a high-heat oven to cure the powder coating to the finished product and cooled. The oven is a large, walk-in, industrial grade oven. The sand blasting material can be a mixture of sand at differing gradations for size/effect and/or a mixture of metal shavings or even glass beads. Each of these products provides for an intended surface preparation to allow coatings to adhere to the objects then being painted or coated. At this facility, all of the sand-blast material appeared to be of a metal shavings/sand mixture.

The hydrographic printing portion of the processes is described as follows¹:

“Hydrographics or HydroGraphics, also known as immersion printing, water transfer printing, water transfer imaging, or cubic printing, is a method of applying printed designs to three-dimensional surfaces. The hydrographic process can be used on metal, plastic, glass, hard woods, and various other materials. Also known as "hydro dipping".

¹ This description is from Wikipedia an Internet encyclopedia at [http://en.wikipedia.org/wiki/Hydrographics_\(printing\)](http://en.wikipedia.org/wiki/Hydrographics_(printing)).

The Water Transfer Printing process is extensively used to decorate items that range from entire all-terrain vehicles and car dashboards, to small items like bike helmets or other automotive trim. Films can be applied to all types of substrates including plastic, fiberglass, wood, ceramics, and metal. For the most part, if the item can be dipped in water, the hydrographic process can be used.

In the process, the substrate piece to be printed is pre-treated and a base coat material is applied. A polyvinyl alcohol film is gravure-printed with the graphic image to be transferred, and is then floated on the surface of a vat of water.

An activator chemical is sprayed on the film to dissolve it into a liquid and activate a bonding agent. The piece is then lowered into the vat, through the floating ink layer, which wraps around and adheres to it.

After removing the piece from the water, a top coat is applied to protect the design. With multiple dippings, Hydrographics printing can achieve full 360° coverage of the part surface, including small crevices.”

All of these processes are housed in a single, metal shed type building at the address above. The building is separated as a front office, main process area with the preparation area, paint spray booth, and a walk in oven. The space is then separated by a partial wall and the sand-blasting area is in the rear of the building. There are two restrooms with a sink and toilet in each room. The preparation area has heavy curtains surrounding it and a single floor drain in the center of the floor of this area. According to Mrs. Gass, the floor drain connects directly to the toilet and sink drains and then discharges to the local wastewater treatment facility just down the road from this facility.

According to Mrs. Gass and other investigations, this facility does not have an industrial user discharge permit on record from either the State of Georgia or the Dade County Water and Sewer Authority. Upon this inspection and review of publicly available information about the facility it is suggested there is a need for one. The State of Georgia Environmental Protection Division was notified in advance of this inspection activity pursuant to its Memorandum of Agreement with the EPA.

II. Entry

EPA inspector Ms. Pamala Myers arrived at D&B Custom Powder Coatings & Hydrographics, Inc. property at approximately 11:30 AM. Prior to entering the facility the EPA inspector drove past the building while determining she was at the correct location. While turning the vehicle around to go back to the entrance of the facility, a white substance was observed on the ground near the rear corner of the building underneath a vent hood that protruded from the side of the building. (See yellow arrow in Figure #1.) This area was closer observed during the tour of operations.

III. Opening Conference

Ms. Myers presented her federal inspection credentials to Mrs. Gass. Ms. Myers then explained that the purpose of the visit was a compliance inspection, and requested that Mrs. Gass provide a description of the on-site operations.

Mrs. Gass explained that the D&B Custom Powder Coatings & Hydrographics, Inc. facility obtains all types of metal parts, equipment, and objects, such as lawn furniture, or other furniture or toys for powder coating. They also immersion print, or "Hydrograph" patterns and prints onto objects that can be taken apart or coating in whole. There were examples of some objects hanging on a wall in the office area.

Mrs. Gass indicated that there is process water usage at the D&B Custom Powder Coatings & Hydrographics, Inc. facility associated with its powder coating and hydrographics activity. Process wastewater is directly discharged down the drain in the spray area described above. (See Figure #9.) The tanks for immersing parts for hydrographics is assumed to drain also directly to the Dade County Water and Sewer Authority's Publically Owned Treatment Works (POTW). This process was confirmed by telephone call after the inspection. Because there are no permits, no formal monitoring of the process wastewater is done. pH and temperature is only monitored for immediate production processes. D&B Custom Powder Coatings & Hydrographics, Inc. has never held a permit for these discharges to the POTW.

IV. Tour of Operations

Mrs. Gass agreed to accompany the EPA on a tour of the operations. The tour began at approximately 12:15 PM.

The open-air, garage-style facility had parts and materials in almost every area observed. There was a large door opening near the front portion of the building which allowed access to a flatbed trailer that had some recently coated beams stacked on it. There were individual pieces of lawn furniture and other metal parts. Some were already coated, and some were awaiting preparation in this general area.

The walk-in oven was to the left side of the building facing the end. (See Figure #3.) Next in line was a spray booth and following it was the wash-down booth which appeared wet. The floor had residue of a blue substance near the drain/hole in the floor (See Figures #7, 8 and 9). Chemicals and paints associated with the coating process were sitting on the bare concrete floor outside the spray booth (See Figure #4). There was no secondary containment and no pallets to keep them up off the floor in the event of spillage or flooding. They were not labeled other than the manufacturer's labels, and no fire extinguisher or other spill control materials were observed in this general area (See Figures #5 and 6).

To the far right along the opposite wall were the restrooms and another area for the hydrographics operations. A partition wall separated the front area from the rear of the building were at that the very end of the building was another large door, open to the outside. Near the end on the right side was the blasting area and a small pile of spent blast material was observed on the floor just outside the blast zone (See Figure #10). Mrs. Gass did say that this spent blast material was considered "solid-hazardous waste" and that they had a company pick it up and haul it off as such.

The tour continued to the right towards another smaller door and exited the building. At this point we were at the area of the white residue on the ground seen earlier (See Figures #1 and 11). Mrs. Gass explained that this was an area used to "wash parts and clean them with a soda-ash mixture." Ms. Myers informed Mrs. Gass that this was an unacceptable practice and that the waste waters were entering the ground and could also be draining to the visible ditch in close proximity to this area, which would lead to other waters of the State (See Figure #12). There was white powder residue piled on the gravel in this area an alongside the edge of the building from this activity.

The tour continued outside along the perimeter of the building where other parts and debris were observed (See Figures #13 and 14). A flat-bed trailer was parked there and other pieces for coating were also lying on the ground outside and uncovered from any rain/stormwater that might come into contact with them. Further, towards the front of the building stacked outside were several large hopper type containers with labels from W.R. Grace chemical company. Mrs. Gass said that these were delivered empty and already washed out and that they would re-coat them per contract with Grace Chemicals. Grace Chemicals was responsible for pick up also. These were being stored outside exposed to the elements. There were no labels or tags to indicate what chemical might have been used in these hoppers. (See Figure #15.)

The tour continued around the front of the building where a small fenced enclosure held rusty lawn furniture. Mrs. Gass indicated that these pieces were general sale items and that they were stored there until someone purchased an item and requested it be coated.

Beyond this area at the front, left corner of the building, was a shed attached to the main building which housed a large compressor. Mrs. Gass indicated that Ingersoll Rand managed the maintenance of this compressor and the oil changes/usage under contractual agreement. There was an oil container sitting outside of the doorway of the shed, but she picked it up and placed it back into the shed doorway. The door remained propped open (See Figure #16).

The tour concluded and the party returned to the office.

V. Records Review

Ms. Myers next requested to review water consumption records and obtained (one) material safety data sheet of one acid cleaner/brightener. Copies of other material safety data sheets (MSDS) were discussed with the verbal request they be submitted via email or regular mail. The facility apparently has only one water meter for all production and sanitary needs. The latest water bill that Mrs. Gass produced was for 5,000 gallons at a rate of \$76.26. It was not made clear if this included sewer use, or if it was only the water bill.

The facility maintains no measurement of any average gross production values, as each piece is individually managed, unless bulk items are received by contract such as the beams or hopper tanks.

VI. Closing Conference

Ms. Myers reviewed initial findings and concerns with Mrs. Gass and relayed that a formal report would be provided. Ms. Myers again requested additional copies of all the MSDS information for all products used, and also recommended that Mrs. Gass contact the Georgia Environmental Protection Division (EPD) and obtain permit application forms from them, and stated that they may be available from the Internet. Ms. Myers explained that GA EPD would be the control authority because the County POTW did not have an active pretreatment program from which to be permitted. Mrs. Gass said she had Internet access and would call EPD immediately to get the permit process going. The EPA inspectors exited the facility at approximately 12:42 PM.

VII. Findings

- A. D&B Custom Powder Coatings & Hydrographics, Inc.'s facility and grounds were well-maintained, but the facility's housekeeping and storage of its raw materials, fuels, and waste oil materials are in need of attention.
- B. The pretreatment standards and requirements identified in 40 C.F.R. Part 403 apply to all non-domestic discharges to the public sewer. D&B Custom Powder Coatings & Hydrographics, Inc.'s facility has a wastewater discharge to a publicly owned treatment works from the wash-down area where etching and preparation of metals parts occurs prior to coating application operations. Other wastewaters are from the Hydrographics portion of the coatings activities performed; which also discharge to the public sewer. These discharges are regulated by federal Pretreatment Standards for New Sources, specifically those in the Metal Finishing Point Source Category at 40 C.F.R. §433.17. Categorical standards like these are self-implementing for the Significant Industrial Users to which they apply (see 40 C.F.R. § 403.6(b)).

Wastewaters regulated by 40 CFR§ 433.17 include, but are not limited to,

Pollutant or pollutant property	Maximum for any 1 day	Monthly average shall not exceed
Milligrams per liter (mg/l)		
Cadmium (T)	0.11	0.07
Chromium (T)	2.77	1.71
Copper (T)	3.38	2.07
Lead (T)	0.69	0.43
Nickel (T)	3.98	2.38
Silver (T)	0.43	0.24
Zinc (T)	2.61	1.48
Cyanide (T)	1.20	0.65
TTO	2.13	

- C. Since operations began in August 2006, D&B Custom Powder Coatings & Hydrographics, Inc. has been periodically discharging its regulated wastewater to a publicly owned treatment works without a required Significant Industrial User permit from the State of Georgia (see GA Rule 391-3-6-.08(4)), which is the pretreatment Control Authority for the facility (see GA Rule 391-3-6-.08(2)(e)(3)). Note that the State of Georgia is the control authority because Dade County does not have an approved pretreatment program.
- D. Since production began in August 2006, D&B Custom Powder Coatings & Hydrographics, Inc. has not performed the reporting that is required for categorical industrial users in 40 C.F.R. § 403.12.

VIII. Recommendations

- A. D&B Custom Powder Coatings & Hydrographics, Inc., should immediately stop all outside washing/etching/cleaning operations. There is no proper location allowed or established for this activity and any wash waters that absorb into the ground or drain (run-off) the property into a waters of the State are strictly forbidden under state and federal law.

- B. D&B Custom Powder Coatings & Hydrographics, Inc. should notify the State of Georgia's Environmental Protection Division that it is a categorical user and take steps to comply with State and federal requirements that are self-implementing, and obtain a Significant Industrial User permit and an Industrial Stormwater Permit and meet the conditions of those permits.
- C. D&B Custom Powder Coatings & Hydrographics, Inc. should establish and label a location to routinely obtain isolated samples of the process wastewater being discharged to the sewer system for future compliance with any permit requirements.
- D. D&B Custom Powder Coatings & Hydrographics, Inc. should begin complying with the monitoring and reporting requirements for categorical users in 40 C.F.R. §§ 403.12 and 433.17.
- E. D&B Custom Powder Coatings & Hydrographics, Inc. should review the storage compatibility of its chemicals associated with the coatings operations. A designated storage area should be established and a separate-secondary containment barrier should be established for any liquids used in any of the processes. Distances from incompatible liquids should be determined from the MSDS materials associated with each chemical container.

The National Institute of Occupational Safety and Health (NIOSH) (and/or your local fire department) can identify which chemicals are incompatible with strong acids and chlorinated organic compounds, and can recommend fireproof storage as necessary to prevent a fire or spill accident. If applicable, note that, NIOSH recommends that sodium hypochlorite be stored away from acids.

- F. Spill kit(s) should be immediately obtained and placed in appropriate areas with unobstructed and immediate access to them.

IX. Figures

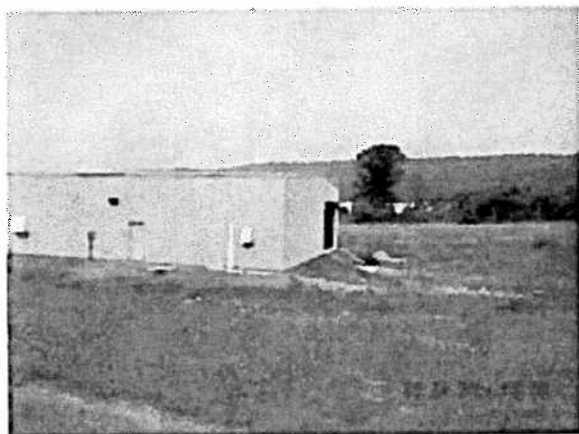


Figure 1. White debris visible from access road.



Figure 2. Front of building and business name signage.

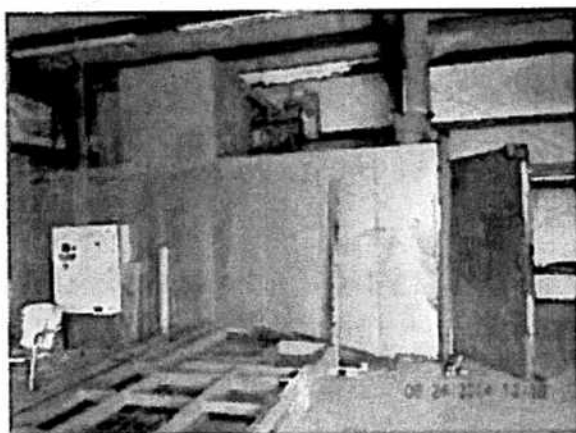


Figure 3. Walk in Oven, and materials awaiting coatings in foreground on the floor.



Figure 4. Spray booth and materials stacked on the floor in front and at the side. No visible fire extinguisher, or secondary containment.



Figure 5. materials to be coated on the floor, gas tank, trash, other materials in the area, and the exterior garage door opening.



Figure 6. Example of lawn furniture; finished product adjacent to the large door area of Figure 5.

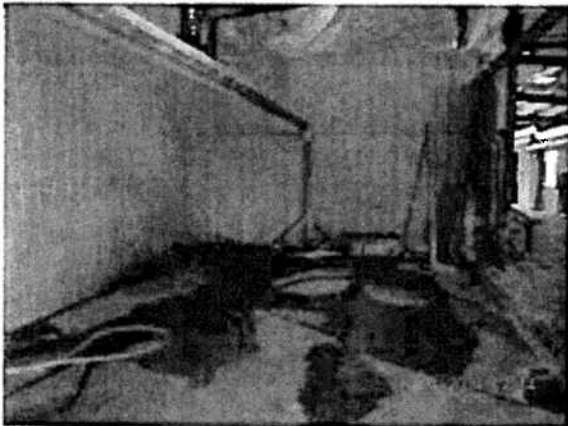


Figure 7. Wash down/preparation area, where the floor drain is.



Figure 8. Sprayer pump for mixing acid washes to be sprayed onto metals surfaces to prepare for coatings.

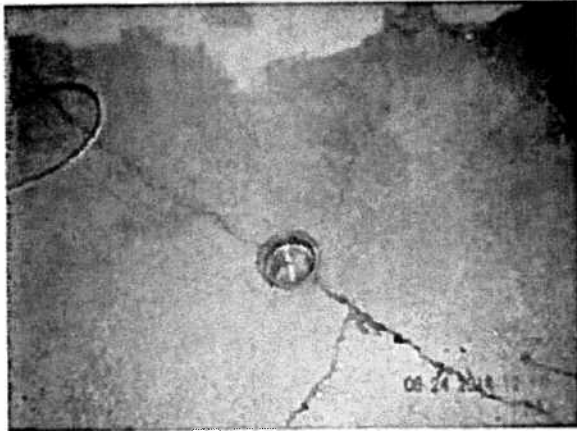


Figure 9. Floor drain in the wash/prep spray booth area that drains to sanitary and is mixed then flows to POTW.



Figure 10. Sand blast material either spent or is being mixed on the floor. Blasting booth in back ground. This area is at the rear, or far end of the building. Away from the office.



Figure 11. This is a close up view of the dry material from the "acid" wash of metal objects where they are prepped for coatings. This may be a part of the Hydrographics portion of the process.



Figure 12. This is a wet weather conveyance or ditch that is immediately adjacent to the activities shown in Figure 11. Debris is visible in the bottom of this and water was flowing through it.

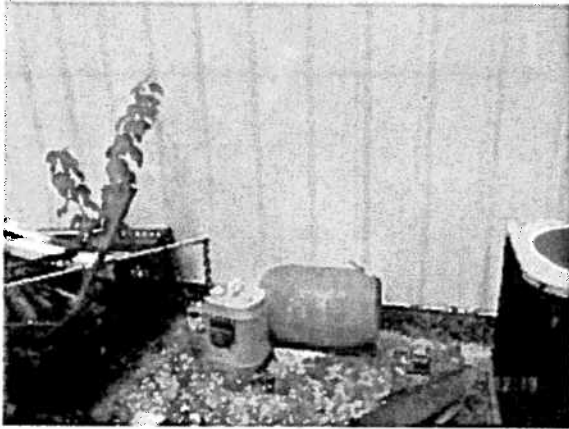


Figure 13. This represents poor housekeeping and materials exposed to rain/stormwater. Outside of the building near the big open door as seen in Figure 5.

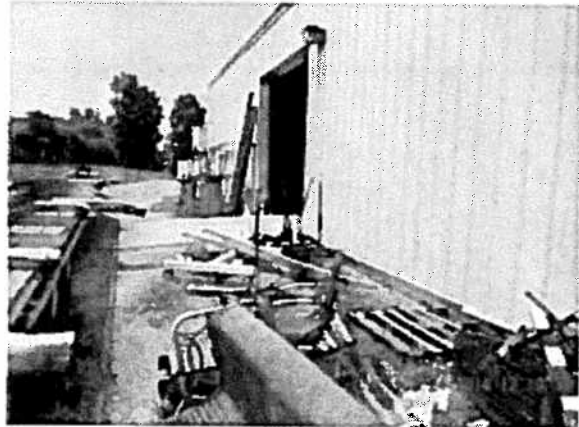


Figure 14. Again, exposed materials either recently coated and poorly stored and other raw material(s) exposed to rain/stormwater. Photo taken looking towards front of building.

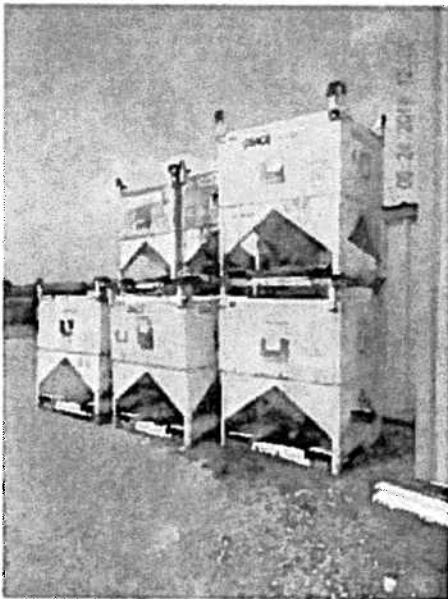


Figure 15. (Left) These are the Grace Chemical hoppers being stored outside without cover from the elements. They are awaiting preparation and re-coating.



Figure 16. (Above) This is the compressor storage shed at the front left side of the building. Hoses and a compressed gas tank are inside and the plastic bucket was outside laying on the ground when first observed.

End of Report.
PRM
08/12/2014



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

NOV 26 2014

CERTIFIED MAIL 7012 1010 0001 8097 0436
RETURN RECEIPT REQUESTED

Mr. Clyde Black
Public Utilities Director
City of Buford
2300 Buford Highway
Buford, Georgia 30518

Re: Information Request Pursuant to Section 308 of the Clean Water Act,
National Pollution Discharge Elimination System Permit No.: GA0023167

Dear Mr. Black:

The purpose of this letter is to inform you that the U.S. Environmental Protection Agency Region 4 is currently investigating the City of Buford's publicly owned treatment works located in Buford, Georgia, for compliance with the requirements of Sections 301, 307(d) and 402 of the Clean Water Act (CWA), 33 U.S.C. §§ 1311, 1317(d) and 1342; the regulations promulgated thereunder at 40 C.F.R. Part 403; the Georgia pretreatment regulations; and National Pollution Discharge Elimination System Permit No.: GA0023167 issued by the State of Georgia.

Therefore, pursuant to Section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby requests that the City of Buford provide the information set forth in Enclosure A within 21 calendar days of your receipt of this letter.

The City of Buford's response should be submitted to:

Mr. David R. Phillips
U.S. Environmental Protection Agency Region 4
Water Protection Division
NPDES Permitting & Enforcement Branch
Atlanta Federal Center
61 Forsyth Street, S.W.
Atlanta, Georgia 30303-8960

All information submitted must be accompanied by the following certification that is signed by a duly authorized company official in accordance with 40 C.F.R. § 122.22:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including but not limited to the CWA, 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If the City of Buford believes that any of the requested information constitutes confidential business information, it may assert a confidentiality claim with respect to such information, except for effluent data. Further details, including how to make a business confidentiality claim, are found in Enclosure B.

We appreciate your prompt attention to this matter. Should you have any questions regarding this letter, please contact Mr. David R. Phillips at (404) 562-9773. Legal inquiries should be directed to Ms. Mita Ghosh, Chief of the Office of Water Legal Support, at (404) 562-9568.

Sincerely,

A handwritten signature in black ink, appearing to read "Denisse D. Diaz for".

Denisse D. Diaz, Chief
Clean Water Enforcement Branch
Water Protection Division

Enclosures

cc: Mr. Lewis Hays
Georgia Environmental Protection Division

ENCLOSURE A

INFORMATION REQUEST PURSUANT TO SECTION 308 OF THE CLEAN WATER ACT

Instructions

1. Identify the person(s) responding to this Information Request.
2. Please provide a separate narrative response to each and every Question and subpart of a Question set forth in this Information Request.
3. Precede each answer with the text and the number of the Question and its subpart to which the answer corresponds.
4. All documents submitted must contain a notation indicating the Question and subpart of the Question to which they are responsive.
5. In answering each Information Request Question and subpart thereto, identify all documents and persons consulted, examined or referred to in the preparation of each response, and provide true and accurate copies of all such documents.
6. If information unknown or unavailable to you as of the date of your submission of a response to this Information Request should later become known or available to you, then you must supplement your response to the EPA. If you find at any time after the submission of your response that any portion of the submitted information is false or misrepresents the truth, then you must notify the EPA as soon as possible.
7. For each document produced in response to this Information Request, indicate on the document, or in some other reasonable manner, the number of the Question to which it responds.
8. Where specific information has not been memorialized in a document, but is nonetheless responsive to a Question, you must respond to the Question by providing the information in writing.
9. If information responsive to this Information Request is not in your possession, custody or control, then identify the person from whom such information may be obtained and their contact information.
10. If you have reason to believe that there may be persons able to provide a more detailed or complete response to any Question or who may be able to provide additional responsive documents, then identify such persons, their contact information, and the additional information or documents that they may have.
11. The EPA requests that all documents provided in an electronic format be compatible with pdf.
12. The EPA requests that all spreadsheet information be in an electronic format and compatible with MS Excel.

13. If any Question relates to activities undertaken by entities other than the recipient of this Information Request, and to the extent that you have information pertaining to such activities, then provide such information for each entity.

Definitions

1. All terms not defined herein shall have their ordinary meanings, unless such terms are defined in the Clean Water Act or its implementing regulations, in which case the statutory or regulatory definition shall control.
2. Words in the masculine may be construed in the feminine if appropriate, and vice versa, and words in the singular may be construed in the plural if appropriate, and vice versa, in the context of a particular question or questions.
3. The term "And" and "Or" shall be construed either disjunctively or conjunctively as necessary to bring within the scope of this Information Request any information which might otherwise be construed outside its scope.
4. The term "Identify" means, with respect to a natural person, to set forth the person's name, present or last known business address and business telephone number, present or last known home address and home telephone number, and present or last known job title, position or business.
5. The term "Identify" means, with respect to a document, to provide its customary business description; its date; its number, if any (invoice or purchase order number); the identity of the author, addressee and/or recipient; and substance of the subject matter.
6. The term "Identify" means, with respect to a corporation, partnership, business trust or other association or business entity (including a sole proprietorship), to set forth its full name, address, legal form (e.g., corporation, partnership, etc.), organization, if any, and a brief description of its business.
7. The term "publicly owned treatment works" or "POTW" means the POTW and its associated devices and systems used in the storage, treatment, recycling and reclamation of municipal sewage or industrial wastes, as defined in 40 C.F.R. § 403.3(q), owned and/or operated by the City of Buford located in Gwinnett County, Georgia.
8. The term "wastewater treatment plant" or "WWTP" means the portion of the POTW known as the "Southside Water Pollution Control Plant" owned and/or operated by the City of Buford and located at 1201 Chatham Road in Buford, Gwinnett County, Georgia.
9. The term "You" and "Your" shall mean the City of Buford.
10. The term "Permit" shall mean National Pollution Discharge Elimination System (NPDES) Permit No. GA0023167 issued by the State of Georgia.
11. "Approval Authority" shall have the meaning set forth in 40 C.F.R. § 403.3(c).

Questions

1. The EPA is aware that the POTW has an Approved POTW Pretreatment Program (Pretreatment Program), as that term is defined in 40 C.F.R. § 403.3(d). Please provide:
 - a. A copy of the approval(s) for the currently implemented Pretreatment Program issued by the State of Georgia, which is the Approval Authority;
 - b. A copy of the corresponding Pretreatment Program submission(s) to the Approval Authority, as authorized under 40 C.F.R. § 403.9, which have received final approval(s) (e.g., sewer use ordinance, user permit, etc.); and
 - c. A copy of any submittals by the POTW to the Approval Authority for removal credits, as authorized by 40 C.F.R. § 403.11, and any associated notice(s) of approval or disapproval.
 - d. A copy of the pretreatment program Annual Reports for at least the past three years, or for the past five years if available, that were submitted by the POTW to the Approval Authority pursuant to 40 C.F.R. § 403.12(i), and copy of any other correspondence to or from the Approval Authority related to these Annual Reports.
 - e. A copy of the POTW's enforcement response plan(s) authorized by 40 C.F.R. § 403.8(f)(5) and in effect during the past five years.
2. Provide a timeline of any interference and/or pass-through event(s), as these terms are defined in 40 C.F.R. § 403.3, which the POTW's equipment that collects, transmits, or treats non-domestic discharge(s) has experienced in the last five years. For each such event, also provide:
 - a. The date/time the event began and ended and the equipment of the POTW system affected;
 - b. A discussion of the extent of the problems created for the POTW system, and/or the POTW's receiving waters;
 - c. A discussion of the investigation undertaken by the POTW to isolate the source(s), and any evidence which was collected and report(s) identifying the non-domestic source(s);
 - d. The POTW's NPDES Permit narrative or numerical conditions violated due to the event;
 - e. A discussion/evidence of the actions the POTW has independently taken under its local authority to enforce or address the problems caused by the non-domestic discharge(s), and
 - f. Copies of any written notices given to the Approval Authority concerning the event or the investigative findings.
3. Provide a schematic of the WWTP and explain its unit treatment processes and normal operating parameters for each unit. Identify the POTW's overall design flow, its average daily flow, and percent industrial loading for each of the last five years.
4. Provide summaries of the POTW's pollutant scans of the influent, effluent, and biosolids for each of the last five years. The influent and effluent summaries should identify (for each

sampling): the date sampled, the type of sample (grab/flow-proportional/time-proportional), the pollutant monitored (including whole effluent toxicity), the analytical results and units, and description of the collection location. For biosolids, the summary should identify: the date sampled, the pollutant monitored, the analytical results and units, the mass disposed and date, and the disposal location. The EPA prefers that these summaries be provided in an electronic spreadsheet format compatible with MS Excel.

5. If the POTW has surveyed its non-domestic users, identified pollutants of concern, identified the maximum allowable headworks loadings, identified maximum allowable industrial loadings or background loadings, pursuant to the EPA's Local Limits Development Guidance (7/2004); then please provide this information with the date and a detailed explanation of the most recent analyses.
6. Provide a current list of all known non-domestic users of the POTW system, identifying:
 - a. The WWTP to which they discharge and if they contribute there by a sewer connection or by land transport hauls;
 - b. Their street addresses;
 - c. Brief descriptions of their individual business operations;
 - d. Their estimated/actual average daily process flows; and
 - e. Whether each such user has a permit to discharge to the POTW. If so, then for each such permit provide the permit number(s), effective date(s), duration(s), and identify the applied standards (e.g., specified local limits, 433.17, etc.).

The EPA prefers that this list be provided in an electronic spreadsheet format compatible with MS Excel. Users known to only be supplying sanitary wastewater may be excluded.

7. Provide a copy of any inspection reports, notices of violations, administrative orders, cease and desist orders, and any related correspondence from State or federal agencies related to the POTW system for the last five years.
8. Provide a listing of any NPDES Permit violations of chronic whole effluent toxicity limitations from January 2009 to present, identifying each violation by date and identifying a comparison of the analytical results of vertebrate and invertebrate testing to the applicable requirement in the NPDES Permit. Provide a narrative summary detailing the investigative and/or other actions taken by the POTW to identify and correct the sources of the violations, including responses to any requests to submit a Toxicity Reduction Evaluation by the State of Georgia.
9. If upgrades have been completed, provide the written authorization by the State of Georgia to commence operation of the WWTP at 3.0 MGD, and the date that the WWTP began operating at 3.0 MGD.

ENCLOSURE B

RIGHT TO ASSERT BUSINESS CONFIDENTIALITY CLAIMS

(40 C.F.R. Part 2)

Except for effluent data, you may, if you desire, assert a business confidentiality claim as to any or all of the information that the EPA is requesting from you. The EPA regulation relating to business confidentiality claims is found at 40 C.F.R. Part 2.

If you assert such a claim for the requested information, the EPA will only disclose the information to the extent and under the procedures set out in the cited regulations. If no business confidentiality claim accompanies the information, the EPA may make the information available to the public without any further notice to you.

40 C.F.R. § 2.203(b). **Method and time of asserting business confidentiality claim.** A business which is submitting information to the EPA may assert a business confidentiality claim covering the information by placing on (or attaching to) the information, at the time it is submitted to the EPA, a cover sheet, stamped or typed legend, or other suitable form of notice employing language such as "trade secret," "proprietary," or "company confidential." Allegedly confidential portions of otherwise non-confidential documents should be clearly identified by the business, and may be submitted separately to facilitate identification and handling by the EPA. If the business desires confidential treatment only until a certain date or until the occurrence of a certain event, the notice should so state.

